

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHARLES SWIFT, OBO his wife  
Arnetta Swift,

Petitioner,

v.

HUBER, Judge of Douglas County  
Nebraska County Court, TIM  
DUNNING, Sheriff of Douglas  
County Nebraska, and FOXALL,  
Director of Douglas County  
Correctional Center (DCCC),

Respondents.

8:16CV50

**MEMORANDUM  
AND ORDER**

Charles Swift (“Swift”) submitted to this court a “habeas petition or 1983 in alternative.” (Filing No. [1](#).) The document is signed by Swift and filed on behalf of his wife, Arnetta Swift. The documents attached to Swift’s pleading reflect Arnetta Swift is incarcerated in the Douglas County Jail. When liberally construed, Swift’s pleading seeks his wife’s release from incarceration. This is a problem for two reasons.

First, [Federal Rule of Civil Procedure 11\(a\)](#) requires that all pro se parties to a case sign every pleading, written motion, and other paper that they submit to the court. Rule 11(a) helps to ensure that pro se parties consent to the filing of documents on their behalf. See [United States v. Brenton](#), No. 8:04CR262, 2007 WL 3124539, at \*1-2 (D. Neb. Oct. 23, 2007) (discussing [Johnson v. O’Donnell](#), No. 01-C-0257-C, 2001 WL 34372892 (W.D. Wis. Aug. 24, 2001)).

Second, it is improper for a non-lawyer to sign papers in place of, or to otherwise represent, parties other than themselves. *See id.* at \*1 (citing 5A C. Wright & A. Miller, [Federal Practice and Procedure § 1333](#), at 513 & n.15 (2004)).

Swift may not represent his wife in federal litigation and he may not sign documents on her behalf. If Arnetta Swift seeks release from custody, she must file such a request herself or through an attorney.

IT IS THEREFORE ORDERED that: This case is dismissed without prejudice to reassertion of a petition or complaint filed by Arnetta Swift or by an attorney on her behalf. The court will enter judgment by a separate document.

DATED this 12th day of February, 2016.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge